

### **REMARKS**

Claims 1-19 are pending in the present application, with claims 1, 7 and 14 being written in independent form.

#### **I. Abstract:**

Applicant amends the Abstract of the Disclosure to be more consistent with the written description.

#### **II. Substitute Specification:**

As requested by the Examiner, Applicant submits a substitute specification along with a marked-up copy of the original specification (submitted July 8, 2003) showing the additions and deletions to the original specification.

The substitute specification only includes the changes indicated on the marked-up copy of the original specification. The changes involve (among other things) indicating that the transition piece is an exhaust gas inlet part of a heat recovery structure for a steam generator. (See paragraph [0007]). Support for this feature can be found in the figure, as well as paragraph [0033] of the originally filed specification. The substitute specification does not contain any new matter.

#### **III. Drawings:**

Although not objected to by the Examiner, Applicant amends the figure by deleting reference character "23" which is not referred to in the specification.

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes the following changes:

In the figure, reference character “23” is deleted.

Attachment: Replacement Sheet

#### **IV. Claim Rejections on Prior Art Grounds:**

The Examiner rejects claims 1-19 under 35 U.S.C. §103(a) as being obvious over US 5,267,434 to Termuehlen (“Termuehlen”). Applicant respectfully traverses this rejection in view of the following remarks.

##### **A. Independent Claim 1:**

Independent claim 1 recites (among other things) that the transition piece is “an exhaust gas inlet part of a heat recovery structure for a steam generator.” An example, non-limiting embodiment of this feature is depicted in the figure. Here, the transition piece 7 is an exhaust gas inlet part of the boiler region 15 (or “heat recovery structure”) for the steam generator 9. At least the “transition piece” feature (as recited in independent claim 1), in combination with the other features recited in independent claim 1, is not taught or suggested by the prior art relied upon by the Examiner.

The Examiner looks to the Termuehlen reference to teach each and every feature of the invention defined by claim 1. In so doing, the Examiner relies heavily upon the embodiment depicted in Figs. 1-3. Applicant respectfully disagrees.

With reference to Figs. 1 and 3 of Termuehlen, the disclosed plant includes a gas turbine and a transition piece (following the diffuser) that receives exhaust gas from the gas turbine. The transition piece is provided with an auxiliary stack 14. The transition may pass exhaust gas through (1) the auxiliary stack 14 and/or (2) dampers 24, 26 that respectively lead to heat exchangers for feedwater for steam turbines. The heat exchangers only increase the temperature of the feedwater, but they do not generate steam. Termuehlen’s disclosure is straightforward in this regard. For example, it indicates that operation with one steam plant requires partial opening of the auxiliary stack to optimize maximal feedwater heat supplied to this unit and a minimum of pressure losses at the gas turbine exhaust. (See col. 5, lines 44-48). Such pressure losses might occur, for example, if the feedwater within the heat exchanger were to boil.

Applicant respectfully directs the Examiner’s attention to the embodiment depicted in Fig. 5 of Termuehlen. Here, the exhaust gas of the gas turbine is fed to a steam generator to generate steam for the steam turbines. In this case, however, the transition piece (which serves

as an exhaust gas inlet part of the heat recovery steam generator) does not include an auxiliary stack (or chimney).

**B. Independent Claims 7 and 14:**

Independent Claims 7 and 14 are somewhat similar to claim 1 to the extent that they recite (*albeit* in different formats) that the transition piece is an exhaust gas inlet part of a heat recovery structure (claim 7) or boiler region (claim 14) of a steam generator. Accordingly, Applicant respectfully submits that claims 7 and 14 are patentable for reasons analogous to those noted above with respect to independent claim 1.

**CONCLUSION**

In view of the above amendments and remarks, reconsideration and allowance of each of claims 1-19 is earnestly solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant hereby petitions for a one (1) month extension of time for filing a reply to the Office Action and submit the required \$120.00 extension fee herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,  
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